



NOTICE

The following pages contain copies of reports and other communications to City Council from Council Officers and citizens. While every effort has been made to preserve the original content and formatting of each document, the City of Roanoke is not responsible for typographic or other errors.

The original documents referenced in this file are available for inspection in the Office of the City Clerk, 215 Church Avenue, Room 456, Municipal Building, Roanoke, Virginia 24011.

To receive the City Council agenda (without reports) automatically via e-mail, contact the Office of the City Clerk at clerk@ci.roanoke.va.us or (540) 853-2541. The City Council agenda (with or without reports) for each meeting is available at www.ci.roanoke.va.us.

Mary F. Parker
City Clerk



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 21, 2001
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Frank W. Feather, Pastor, Forest Park Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 24, 2001, at 7:00 p.m., and Saturday, May 26, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

PRESENTATIONS:

Introduction of special guests.

Proclamation declaring Saturday, May 26, 2001 as Lifeguard 10 Day.

2. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

- C-2 A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of two Council-Appointed officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

- C-3 A communication from the City Manager requesting a Closed Meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

- C-4 A communication from the City Manager recommending that a public hearing be advertised in connection with transferring real property in the Roanoke Centre for Industry and Technology to Blue Hills Golf Corporation and Anderson Wade Douthat, respectively.

RECOMMENDED ACTION: Concur in recommendation.

- C-5 A communication from Lu Jean Bedard tendering her resignation as a member of the Roanoke Arts Commission, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation.

- C-6 Qualification of the following persons:

Rolanda A. Johnson as Assistant City Manager, effective May 1, 2001;

Brenda A. Powell as a member of the Fair Housing Board for a term ending March 31, 2004; and

Alfred T. Dowe and Richard A. Rife as members of the City Planning Commission for terms ending December 31, 2004.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

- a. Request to discuss the film industry, its economic impact on the community, and establishment and financing of the Virginia Highlands Film Office. Camille Lownds, Director, Virginia Highlands Film Office, Spokesperson.

4. PETITIONS AND COMMUNICATIONS:

- a. A communication from the Roanoke City School Board requesting the close out of 46 school grants which have been completed; and a report of the Director of Finance recommending that Council concur in the request.
- b. A communication from the Roanoke City School Board requesting appropriation of funds to certain school accounts; and a report of the Director of Finance recommending that Council concur in the request.
- c. A communication from Charles P. Shimer, representing the Industrial Development Authority of Montgomery County, requesting concurrence in a resolution adopted by the Authority and approval of a loan for the benefit of Virginia Tech Foundation, Inc., to assist in financing a portion of the cost of acquiring a two-acre parcel of land and construction of an 11,000 square foot building located at 121 Duke of Gloucester Street in the City of Roanoke to be owned by the Foundation and used by its WVTF Radio Station, with other portions of the proceeds to be used to finance facilities in Blacksburg and Alexandria.

5. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. A communication recommending execution of Amendment No. 5 to the engineering services contract with Black and Veatch, in connection with the Roanoke River Interceptor Sewer Project, in the amount of \$75,000.00; and transferring funds in connection therewith.

2. A communication recommending issuance of Change Order No. 1 to the contract with H. & S. Construction Co., for completion of curb, gutter and sidewalk on the south side of Cove Road, N. W., between Abbott Street and Hershberger Road, in the amount of \$75,000.00 and 90 additional days of contract time; and appropriating funds in connection therewith.
3. A communication recommending authorization to enter into a contract with Hayes, Seay, Mattern and Mattern, Inc., for engineering services in connection with preliminary design/investigation, final design, and contract administration for rehabilitation of Memorial Bridge, in the amount of \$179,850.00; and transferring funds in connection therewith.
4. A communication recommending appropriations in connection with personnel salary lapse funds.
5. A communication recommending execution of an amendment to the agreement with the Williamson Road Area Business Association, Inc., to eliminate the restriction on the amount of Special Service District funds that may be used for overhead expenses by the Association.
6. A communication with regard to membership of the Regional Community Criminal Justice Board.

b. CITY ATTORNEY:

1. A report transmitting an ordinance repealing and replacing Resolution No. 35285-041601; and accepting the bid of Lanford Brothers Co., Inc., for various repairs to four bridges within the City, upon certain terms and conditions.
2. A report transmitting an ordinance repealing and replacing Resolution No. 35286-041601; and accepting the bid of Breakell, Inc., for ballfield improvements at two parks within the City, upon certain terms and conditions.

6. REPORTS OF COMMITTEES:

- a. A report of the Bid Committee recommending award of a contract to Virginia Infrastructure, Inc., to connect inlets on Yellow Mountain Road to an existing storm drain system on Melcher Street, in connection with the Garden City Storm Drain Project - Phase 7, in the amount of \$80,236.00 and 120 consecutive calendar days; transferring funds in connection therewith; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.
- b. A report of the Bid Committee recommending award of a contract to Cycle Systems, Inc., for provision of recycling services for paper, bottle and can commodities; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.
- c. A report of the Bid Committee recommending award of a contract to Adams Construction Company for paving and profiling of various streets in the City, in the amount of \$1,969,602.91; appropriating and transferring funds in connection therewith; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.

7. UNFINISHED BUSINESS: NONE.

8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Ordinance No. 35320, on second reading, changing the rate structure and establishing a revised rate schedule for septic tank disposal fees and for certain water rates and related charges for services provided by the City, effective August 1, 2001; and directing amendment of the Fee Compendium.

9. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

THE MEETING OF ROANOKE CITY COUNCIL WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE CITY COUNCIL'S CONFERENCE ROOM FOR THE PURPOSE OF CONDUCTING A STAFF BRIEFING WITH REGARD TO REGIONAL REFUSE COLLECTION.

CLOSED SESSIONS WILL BE HELD IMMEDIATELY FOLLOWING THE BRIEFING IN THE COUNCIL'S CONFERENCE ROOM.

CERTIFICATION OF CLOSED SESSION.

THE MEETING OF ROANOKE CITY COUNCIL WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 21, 2001
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

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A. PUBLIC HEARINGS:

1. Public hearing on a request of John G. Moore, Jr., that a tract of land lying at 1901 Memorial Avenue, S. W., being a portion of Lot 15, Block 5, Section 1, Virginia Heights, identified as Official Tax No. 1330303, be rezoned from C-1, Office District, to CN, Neighborhood Commercial District. John G. Moore, Jr., Spokesperson.
2. Public hearing on a request of Oakley L. Covey that property located at the northwest corner of the intersection of Old Salem Road and Overland Avenue, S. W., located at 3233 Old Salem Road, identified as Official Tax No. 5210402, be rezoned from LM, Light Manufacturing District, to RS-2, Single-Family Residential District. Ross C. Hart, Attorney.
3. Public hearing on a request of CHS, Inc., and Calvert L. Saunders, Vice President, Administration, Moore's Lumber and Building Supplies, Inc., that a tract of land located on the north side of Franklin Road, S. W., at its intersection with Roberts Road, containing 7.2716 acres, more or less, identified as Official Tax No. 1280602, be rezoned from C-2, General Commercial District, to LM, Light Manufacturing District, subject to certain proffered conditions. Michael G. Ballantyne, Officer, CHS, Inc., Spokesperson.
4. Public hearing to receive citizen input on a proposed conveyance of City-owned property identified as Official Tax Nos. 1010402 and 1010403, located at 143 Salem Avenue, S. W., to Roanoke Downtown Properties, LLC, or its assigns. Darlene L. Burcham, City Manager.
5. Public hearing on a proposed amendment to Section 7-1, Penalty for violations of chapter, Section 7-3, Building commissioner appointed enforcing official, and Subsections (a) and (b) of Section 7-45, Appeals, of Chapter 7, Building Regulations; and amending subsection (d) of Section 36.1-327, Historic district regulations; certificate of appropriateness, and subsection (f) of Section 36.1-345, District regulations; certificate of appropriateness, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for code officials responsible for inspections under, and enforcement and administration

of, the property maintenance code and all other codes within the building code, and the delegation of authority of those officials. Darlene L. Burcham, City Manager, and D. Kent Chrisman, Chair, City Planning Commission.

6. Public hearing on a proposed amendment of Division 5, Special District Regulations, of Article III, District Regulations, by the addition of a new subdivision entitled Subdivision H, INPUD, Institutional Planned United Development District; and amending Section 36.1-562, Standards, of Division 12, Group Care Facilities, of Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for a new institutional planned unit development district. D. Kent Chrisman, Chair, City Planning Commission.
7. Public hearing to receive citizen input on the proposed lease of City-owned property located at 515 and 530 Eighth Street, S. W., identified as Official Tax Nos. 1113111 and 1113210, to the Commonwealth of Virginia Department of Health, for a period of three years. Darlene L. Burcham, City Manager.
8. Public hearing to receive citizen input on a proposed encroachment of an overhead projection sign extending at least 11 feet above the sidewalk and approximately 18 inches into the public right-of-way adjacent to property located at 110 Church Avenue, S. W., identified as Official Tax No. 1012211. Darlene L. Burcham, City Manager

B. OTHER HEARING OF CITIZENS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

May 21, 2001

The Honorable Vice-Mayor and
Members of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

Ralph K. Smith
Mayor

RKS:sm

May 21, 2001

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

I wish to request a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

C. Nelson Harris, Chair
City Council Personnel Committee

CNH:sm

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Roanoke Centre for Industry and
Technology
Property Transfers

During the grading and development of three new sites (Tracts A, B and F), in Roanoke Centre for Industry and Technology (RCIT), two adjoining property owners have requested small portions of real property be conveyed to the adjoining owners. These adjoining owners are 1) Blue Hills Golf Corp. and 2) Anderson Wade Douthat, Et al.

- 1) Blue Hills Golf Corp. seeks approximately 14,000 square feet of property to resolve an encroachment of golf facilities onto City owned property. The area to be transferred is bounded by an existing fence. A map of the area is provided as Attachment 1. Blue Hills Golf Corp. has agreed to provide all necessary surveys and other documents for the transfer at no cost to the City. Additionally, they have agreed to make Blue Hills Golf Corp. facilities available to support a youth golf program. In general, 24 junior golf memberships would be provided for a period of two years. The program would include on site golf instruction, green fees and an annual tournament. Access to golf facilities would be limited to afternoons, Monday through Friday.

- 2) Anderson Wade Douthat, Et al seeks approximately 12,000 square feet of property to provide a landscaped buffer area between the RCIT sites and an existing construction storage yard and communications tower. The property to be transferred is a strip approximately 20 feet in width that adjoins the tower site. A map of the area is provided as Attachment 2. Anderson Wade Douthat has proposed providing additional site grading work at RCIT, valued at approximately \$9,000 in exchange for the requested property. Anderson Wade Douthat will assume all costs associated with the proposed transfer and provide landscaping in the area to be conveyed at no cost to the City.

Recommended Actions:

Authorize a public hearing on the disposition of surplus property.

Following a public hearing, authorize the City Manager to execute all necessary agreements and other documents to convey the real property owned by the City of Roanoke [Grantee is to be responsible for all title work, surveying, plat preparation, and preparation of legal documents], subject to terms and conditions acceptable to the City Manager, as follows:

- 1) To Blue Hills Golf Corp., approximately 14,000 square feet of property in general conformance with Attachment 1.
- 2) To Anderson Wade Douthat, Et al, approximately 12,000 square feet of property in general conformance with Attachment 2.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/PCS/bls

Attachments: 2

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

#CM01-00081

May 21, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to close out forty-six school grants that have been completed. Total outlays for the grants amounted to \$11,736,173.02. Revenue for the grants was provided as follows:

Federal Funds - \$7,884,617.23
State Funds - \$1,456,506.45
Fees and Donations - \$ 644,698.29
Local Match - \$1,750,351.05

We recommend that you concur with this request of the School Board.

Sincerely,

Director of Finance

JDG/JSY/pac

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of Schools

The report also requests a transfer of \$29,543 from Drug Free Schools 2000-01 account to the Governor's Academic Challenge for Success 2000 account and an appropriation of \$3,024 in additional State funds for the Governor's Academic Challenge for Success 2000 program. The program will provide additional instructional time for students that received a school year 2000 accreditation rating of "Accredited with Warning" in mathematics or English and who are at-risk of not passing the Standards of Learning assessments. This new program is one hundred percent funded by State funds.

Honorable Mayor and
Members of Council
February 20, 2001
Page 2

We recommend that you concur with this request of the School Board.

Sincerely,

James D. Grisso
Director of Finance

JDG/JSY/pac

c: Darlene L. Burcham, City Manger
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City School

May 9, 2001

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

The School Board at its May 8 meeting voted to request the Roanoke City Council to close-out forty-six school grants that have been completed. Total outlays for the grants amounted to \$11,736,173.02. Revenue for the grants was provided as follows:

Federal funds - \$7,884,617.23
State funds - \$1,456,506.45
Fees and donations - \$644,698.29
Local match - \$1,750,351.05

The Board appreciates your approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Ms. Melinda J. Payne
Mrs. Darlene L. Burcham
Dr. E. Wayne Harris
Mr. William M. Hackworth
Mr. Richard L. Kelley
Mr. James D. Grisso
Mr. Kenneth F. Mundy
Mrs. Ann H. Shawver (with accounting details)
Mr. William L. Murray

May 21, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Jr., Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

The School Board at its May 8 meeting voted to request the Roanoke City Council to appropriate the following funds:

\$780,210.00 from the 2000-01 Capital Maintenance and Equipment Replacement Fund to provide monies for textbook adoptions, administrative technology requests, school bus replacement, facility maintenance equipment, school plants radios, school playground improvements, maintenance vehicle replacement, cafeteria table replacement, roof replacement, and elementary school improvement.

\$36,459.00 for the Summer Youth Employment Program for the summer of 2001 to provide training and hands-on experience for disadvantaged or handicapped youth from the inner city with the goal of enhancing employment potential, developing employment competencies, and earning academic credit toward the high school diploma. This continuing program will be one hundred percent reimbursed by federal funds.

\$5,000.00 for the Western Virginia Regional Science Fair. Participating school districts contribute toward the cost of the fair, with a local match cost to Roanoke City. The additional appropriation request represents fees received for this continuing program.

We recommend that you concur with this request of the School Board.

Sincerely,

James D. Grisso
Director of Finance

JDG/JSY/pac

c

:

Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

May 9, 2001

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

The School Board at its May 8 meeting voted to request the Roanoke City Council to appropriate the following funds:

\$780,210.00 from the 2000-01 Capital Maintenance and Equipment Replacement Fund to provide monies for textbook adoptions, administrative technology requests, school bus replacement, facility maintenance equipment, school plants radios, school playground improvements, maintenance vehicle replacement, cafeteria table replacement, roof replacement, and elementary school improvement.

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\$5,000.00 for the Western Virginia Regional Science Fair. Participating school districts contribute toward the cost of the fair, with a local match cost to Roanoke City. The additional appropriation request represents fees received for this continuing program.

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Ms. Melinda J. Payne
Mrs. Darlene L. Burcham
Dr. E. Wayne Harris
Mr. William M. Hackworth
Mr. Richard L. Kelley
Mr. James D. Grisso
Mr. Kenneth F. Mundy
Mrs. Ann H. Shawver (with accounting details)
Mr. William L. Murray

Trout Sanders Mays & Valentine LLP

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Charles P. Shimer

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chuck.shimer@troutmansanders.com
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207159.000014

Direct Dial:
804-697-

F i l e

May 16, 2001

VIA E-MAIL AND FACSIMILE

William M. Hackworth, Esquire
City Attorney
464 Municipal Building
215 Church Avenue, SW
Roanoke, Virginia 24011

**RE: Request for the City Council of Roanoke, Virginia to Approve the
Issuance of Bonds by the Industrial Development Authority of
Montgomery County, Virginia**

Dear Bill:

In accordance with our discussions, as bond counsel we are requesting that the Roanoke City Council adopt the enclosed City Council Resolution at its meeting on May 21, 2001, approving, to the extent required by the federal Internal Revenue Code and the Virginia Industrial Development and Revenue Bond Act (the "Act"), issuance of bonds by the Industrial Development Authority of Montgomery County, Virginia to finance facilities located in Roanoke for the Virginia Tech Foundation, Inc. and its WVTF radio station (the "Roanoke Project").

The requested approval is required under federal law because the issuance of tax-exempt bonds must be approved by the governing bodies of the jurisdiction in which the facilities to be financed are located (in this case, the City of Roanoke), as well as the jurisdiction on behalf of which the issuer is to issue bonds (in this case, Montgomery County, Virginia). The requested approval also is required under state law because the Act provides that where a locality, such as the City of Roanoke, has created an industrial development authority, no industrial development authority created by a second locality, in this case Montgomery County, may finance a facility located in the first locality unless the governing body of such first locality (in this case the City Council of the City of Roanoke) concurs with the inducement resolution adopted by the industrial development authority of the second locality (in this case the Montgomery Authority).

In accordance with the provisions of the Internal Revenue Code and the Act, after a public hearing was held by the Montgomery Authority on behalf of Montgomery County and the City of Roanoke, the Montgomery Authority adopted its inducement resolution on May 15, 2001 (the "Montgomery Authority Resolution"). A copy of the Montgomery Authority Resolution, a Summary of the Public Hearing and a Fiscal Impact Statement with respect to the Roanoke Project are enclosed.

The required federal tax approval must come after a public hearing, which can be held jointly so long as the location of the hearing is within 100 miles of the facilities to be financed covered by the public hearing. The Roanoke Project is within 100 miles of the location of the public hearing (Blacksburg, Virginia) and the public hearing held by the Montgomery Authority was advertised in the *Roanoke Times*.

Please do not hesitate to contact me at (804) 697-1352 with any further questions you may have on this matter.

Very truly yours,

Chuck Shimer

Charles P. Shimer

853192

Enclosures

cc: Martin M. McMahon, Esquire
Mr. John J. Cusimano, Virginia Tech Foundation, I

**RESOLUTION OF INDUCEMENT OF THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF
MONTGOMERY COUNTY, VIRGINIA FOR THE VIRGINIA
TECH FOUNDATION, INC.**

WHEREAS, the Virginia Tech Foundation, Inc. (the “Applicant”), a non-profit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), has described to the Industrial Development Authority of Montgomery County, Virginia (the “Authority”) its plans to finance or refinance various facilities owned or to be owned by the Applicant of benefit to, and in connection with its support of, the Virginia Polytechnic Institute and State University and its program, located in Montgomery County, Virginia (the “County”), as well as in the Cities of Roanoke and Alexandria, Virginia;

WHEREAS, proceeds of the Bonds will be used, together with other funds of the Applicant, to pay related costs of issuance and costs of the following: (i) financing the cost of construction of: a 50,000 square foot Research Building XV to be located at 1880 Pratt Drive in Blacksburg, a 44,000 square foot Student Services building to be located west of Ambler-Johnson Hall on Washington Street in Blacksburg, a 16,000 square foot addition to the northeast side of the existing Southgate Center located off Southgate Drive adjacent to the University football stadium in Blacksburg, each to be owned by the Applicant and leased to Virginia Polytechnic Institute and State University (the “University”), and a 7,200 square foot storage space for vehicles and equipment necessary for Smart Road operation to be located at 3500 Transportation Plaza in Blacksburg and to be owned by the Applicant and leased to the University for use by the Virginia Tech Transportation Institute, and to the Virginia Department of Transportation; (ii) financing the cost of approximately 323 acres of land in Blacksburg located north of Merrimac Road, east of Stroubles Mill subdivision and southwest of property owned by the University that is adjacent to U.S. Route 460, to be used by the Applicant for future development in support of the University; (iii) financing a portion of the cost of acquisition of a two acre parcel of land and the cost of construction of a 11,000 square foot building at 121 Duke of Gloucester Street in Roanoke to be owned by the Applicant and used by its WVTF radio station; (iv) refinancing of: the Andrews Building located at 1700 Pratt Drive in Blacksburg, the Moss Building located at 1900 Kraft Drive in Blacksburg, and the Research Building II located at 1861 Pratt Drive in Blacksburg, each owned by the Applicant and leased to the University and private tenants for research purposes, and the Founders Building located at 1800 Kraft Drive in Blacksburg, owned by the Virginia Tech Corporate Research Center, Inc., a subsidiary of the Applicant; (v) refinancing the building located at 1001 Prince Street, Alexandria, Virginia 22314 (known as the Prince Street School), containing approximately 14,250 square feet, owned by the Applicant and leased to the University, and since 1990 has been used by the University’s College of Architecture and Urban Studies; and (vi) financing the acquisition and renovation of property adjacent to the Prince Street School located at 1021 Prince Street in Alexandria, Virginia 22314, consisting of a parcel of approximately .22 acre, a

three story office building (currently occupied by the National Mental Health Association) containing approximately 17,500 square feet and a garage containing approximately 8,750 square feet and parking deck to be leased by the Applicant to the University and used as additional space for the University's College of Architecture and Urban Studies (collectively the "Projects");

WHEREAS, the Applicant has requested that the Authority agree to issue its revenue bonds (the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), in such amount as may be necessary to finance or refinance the cost of such Projects and related issuance costs;

WHEREAS, the Applicant's representatives, in an appearance before the Authority at a public hearing held on behalf of the County and the City of Roanoke on the date hereof in accordance with Section 147(f) of the Code and Section 15.2-4906 of the Act and in certain information filed with the Authority, have described the portions of the Projects located in the County and the City of Roanoke and the benefits the Projects will bring to the University and to the citizen of the Commonwealth of Virginia; and

WHEREAS, the Industrial Development Authority of the City of Alexandria, Virginia on May 8, 2001, held a public hearing in accordance with Section 147(f) of the Code and Section 15.2-4906 of the Act on the portion of the Projects located in the City of Alexandria, and by resolution have requested the City Council of Alexandria, as governing body of a host jurisdiction in which certain of the Projects are located, to approve issuance of the portion of the Bonds that would finance such Alexandria facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA:

1. Furtherance of Act. It is hereby found and determined that assisting the Applicant in financing the Projects will promote the economy of the County, the City of Roanoke, the City of Alexandria and the Commonwealth of Virginia, and will benefit the citizens of the County, the City of Roanoke, the City of Alexandria and the Commonwealth of Virginia, and promote their safety, health, welfare, convenience and prosperity in furtherance of purposes of the Act.

2. Agreement to Issue Bonds. To induce the Applicant to undertake the Projects, the Authority agrees to assist the Applicant in financing the Projects by undertaking the issuance of the Bonds therefor in an aggregate principal amount not to exceed \$40,000,000. The proceeds of the Bonds will be loaned to the Applicant pursuant to a loan agreement or loan agreements, the terms of which will obligate the Applicant to make payments sufficient to pay the principal of, premium, if any, and interest on the Bonds and all other expenses in connection with the Projects. The Bonds may be issued in one or more series at one time or from time to time, upon terms to be mutually agreed upon between the Authority and the Applicant. The Bonds will be issued in form and pursuant to terms to be set by the Authority. The

payment of the Bonds will be secured by an assignment, for the benefit of the holders of the Bonds, of substantially all of the Authority's rights to payments under the loan agreements and may be additionally secured by other collateral.

3. Bond Counsel. At the request of the Applicant, the Authority appoints Troutman Sanders Mays & Valentine LLP as bond counsel to supervise the proceedings and approve the issuance of the Bonds.

4. Authorization to Proceed with Projects. It having been represented to the Authority that the Applicant desires to proceed immediately with the Projects, the Authority agrees that the Applicant may proceed with plans for the Projects, enter into contracts for the acquisition, construction and equipping of the applicable portions of the Projects and take such other steps as it may deem appropriate in connection therewith; provided that nothing herein shall be deemed to authorize the Applicant to obligate the Authority, the County or the Cities of Roanoke or Alexandria without its consent to the payment of any moneys or the performance of any acts in connection with the Projects. The Authority agrees that the Applicant may be reimbursed from the proceeds of the Bonds for all costs so incurred by the Applicant, insofar as such costs are properly reimbursable under the Act and other applicable state and federal laws.

5. Applicant Responsible for Costs. All costs and expenses in connection with financing and refinancing the Projects, including the expenses of the Authority, will be paid from the proceeds of the Bonds or funds provided by the Applicant. If for any reason the Bonds are not issued, it is understood that all such expenses will be paid by the Applicant and that the Authority will have no responsibility therefor and that the Applicant will indemnify and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Projects, the application submitted by the Applicant or the issuance of the Bonds.

6. Request for Governing Bodies Approval. The Authority recommends and requests that the Board of Supervisors of Montgomery County, Virginia (the "County Board"), as the governing body on behalf of which the Authority would issue the Bonds and the governing body of a host jurisdiction in which a portion of the Projects is located, approve the issuance of the Bonds in an aggregate amount not to exceed \$40,000,000, and that the City Councils of the Cities of Alexandria and Roanoke, Virginia, as the governing bodies of other host jurisdictions in which portions of the Projects are located, approve the issuance of such portion of the Bonds (up to \$7,500,000 of which will finance facilities in the City of Alexandria and up to \$2,700,000 of which would finance facilities in the City of Roanoke) as relates to the portion of the Projects located in their jurisdiction, within 60 days after the date of the adoption of this Resolution in accordance with the Act. The Authority directs the Secretary of the Authority to submit this Resolution to the County Board and the City Councils of the Cities of Roanoke and Alexandria this Resolution, and to submit to the County Board and the City Council of the City of Roanoke the Applicant's

applicable Fiscal Impact Statement, and a summary of the public hearing held by the Authority prior to the adoption of this Resolution.

7. Effective Date. This Resolution shall take effect immediately upon its adoption. This Resolution shall cease to be valid one year after the County Board or the city council, as applicable, has approved the issuance of the bonds as referred to in Paragraph 6 above, unless at least a portion of the Bonds has been issued by that date.

ADOPTED: May 15, 2001

CERTIFICATE

I, the undersigned Secretary of the Industrial Development Authority of Montgomery County, Virginia, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by the directs of the Industrial Development Authority of Montgomery County, Virginia present and voting at a meeting duly called and held on May 15, 2001, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand and seal of the Authority, this _____ day of May, 2001.

Secretary, Industrial Development Authority
of Montgomery County, Virginia

[SEAL]

SUMMARY OF PUBLIC HEARING

The Industrial Development Authority of the Montgomery County, Virginia (the “Authority”) hereby provides the following information:

1. A meeting of the Authority was duly called and held on Tuesday, May 15, 2001 at 11:30 a.m. at Four Points Sheraton, 900 Prices Ford Road, Blacksburg, Virginia pursuant to proper notice given to each Director of the Authority prior to such meeting. The meeting was open to the public. The time of the meeting and place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The presiding officer opened the public hearing on the application of the Virginia Tech Foundation, Inc. (the “Applicant”). A notice of the public hearing was published once a week for two successive weeks (on April 24, 2001 and May 1, 2001) in *The Roanoke Times* a newspaper having general circulation in the City of Roanoke, Virginia (the “City”).

3. John J. Cusimano, Director of Investments and Debt Management for the Applicant, appeared and discussed the proposed purposes of the bonds to be issued by the Industrial Development Authority of Montgomery County, Virginia for the benefit of the Applicant to assist in, among other things, financing a portion of the cost of acquisition of a two acre parcel of land and the cost of construction of an 11,000 square foot building at 121 Duke of Gloucester Street in the City to be owned by the Applicant and used by its WVTF radio station. Mr. Cusimano also addressed other facilities to be financed or refinanced located in Blacksburg and Alexandria, Virginia. The presiding officer asked for comments from members of the general public. No members of the general public addressed the Authority.

4. Attached hereto as Exhibit A is a true, correct and complete copy of a resolution (the “Resolution”) adopted by the Authority following the public hearing on May 15, 2001.

5. Attached hereto as Exhibit B is a copy of the Applicant’s Fiscal Impact Statement.

May 16, 2001

Secretary, Industrial Development Authority
of Montgomery County, Virginia

Exhibits: A - Authority Resolution
 B - Fiscal Impact Statement

FISCAL IMPACT STATEMENT

**INDUSTRIAL DEVELOPMENT AUTHORITY OF
MONTGOMERY COUNTY, VIRGINIA**

To the City Council of the May 15, 2001
City of Roanoke, Virginia

Name of Applicant: Virginia Tech Foundation, Inc.

Facilities: new building for WVTF radio station to be located at 121 Duke of Gloucester Street, Roanoke

- | | | |
|----|---|----------------------|
| 1. | Maximum amount of financing sought | \$ <u>2,700,000</u> |
| 2. | Estimated taxable value of the facility's real property to be constructed in the locality | \$ <u>2,700,000</u> |
| 3. | Estimated real property tax per year using present tax rates | 501(c)(3) tax-exempt |
| 4. | Estimated personal property tax per year using present tax rates | 501(c)(3) tax-exempt |
| 5. | Estimated merchants' capital tax per year using present tax rates | 501(c)(3) tax-exempt |
| 6. | a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | \$192,420 |
| | b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | \$21,380 |
| | c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | \$560,534 |
| | d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$62,282 |
| 7. | Estimated number of regular employees on year round basis | 15 full time |
| 8. | Average annual salary per employee | \$35,841 |

**INDUSTRIAL DEVELOPMENT AUTHORITY
OF MONTGOMERY COUNTY, VIRGINIA**

By _____
Chairman

- The information contained in this Fiscal Impact Statement is based solely on facts and estimates provided by the Applicant, and the Authority has no responsibility with respect there

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Roanoke River Interceptor Sewer
Engineering Services

Construction of the Roanoke River Interceptor Sewer Replacement project was completed in June 2000. Portions of the old sewer line remain in service. The City's contract with the consultant, Black & Veatch, remains open to have them determine if and how any of the old sewer line should continue to be used in connection with the new Interceptor line. It is necessary to perform a television inspection of the old sewer line to locate any remaining service connections, locate improper connections and to assess the condition of the pipe for possible rehabilitation at a future time.

An amendment has been negotiated with the project's engineering consultant, Black & Veatch, in the amount of \$75,000, to prepare bidding documents for the television inspection and to provide an evaluation of the feasibility of rehabilitating the old sewer line.

Funding is available in Roanoke River Interceptor Sewer account 003-056-8485 to fund the cost of the subject contract amendment.

Recommended Action:

Authorize the City Manager to execute Amendment No. 5 with Black & Veatch in the amount of \$75,000. Transfer \$75,000 from Roanoke River Interceptor account 003-056-8485 to a new account entitled Roanoke River Interceptor Sewer Rehabilitation.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/PCS/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

#CM01-00082

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Change Order No. 1
New Concrete Sidewalks,
Entrances and Curb
Phase V-A

H. & S. Construction Company, 2011 Salem Avenue, S.W., Roanoke, Virginia 24016, was awarded a contract in the amount of \$644,350 on a unit price basis at the June 22, 2000 meeting of City Council to provide new sidewalk and curbs on various streets to be designated within the City. Two blocks of the south side of Cove Road, N.W. were designated in the contract and have been completed.

The contract is still open and the contractor has agreed to the unit prices in Phase V-A to complete the remaining portion of the south side of Cove Road, N.W. between Abbott Street and Hershberger Road. Construction should begin as soon as all the property rights are acquired by the City.

Funding is available in Transfer to Capital – Curb, Gutter and Sidewalk Program account number 001-250-9310-9508.

Recommended Action:

Authorize the City Manager to execute Change Order No. 1 in the amount of \$75,000 and 90 additional days of contract time with H. & S. Construction Company for the completion of curb, gutter and sidewalk on the south side of Cove Road, N.W. between Abbott Street and Hershberger Road.

Appropriate \$75,000 to account number 008-052-9608-9003, New Concrete Sidewalks, Entrances and Curb – Phase V-A.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/JGB/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Engineering Services Contract
Rehabilitation of Memorial Bridge

Memorial Bridge has substantially deteriorated since the 1998 inspection. The bridge currently needs more than \$1,000,000 in concrete repairs and rehabilitation. Engineering services are required to detail the extent of the repairs.

After proper advertisement, consultant qualification proposals were received on March 2, 2001. Proposals were submitted by Hayes, Seay, Mattern & Mattern, Inc., Mattern & Craig, Inc., and Wiley & Wilson, Inc. All three firms were interviewed by a Selection Committee composed of Philip C. Schirmer, City Engineer; Kenneth H. King, Jr., Streets and Traffic Manager; and Jan G. Bruce, Engineering Technical Supervisor.

The Selection Committee selected the firm of Hayes, Seay, Mattern & Mattern, Inc., 1315 Franklin Road, S.W., Roanoke, Virginia 24016, as the most qualified for the proposed work. A consultant contract has been negotiated with them in the amount of \$179,850 to perform the services mentioned below.

Funding in the amount of \$200,000 is needed for the project and is available in the Hunter Viaduct Bridge account number 008-052-9636.

Additional funding in excess of the contract amount will be used for miscellaneous project expenses including advertising, printing, testing services, minor variations in bid quantities and unforeseen project expenses.

Recommended Action:

Authorize the City Manager to execute an Engineering Services Contract in the amount of \$179,850 with Hayes, Seay, Mattern & Mattern, Inc. to provide preliminary design/investigation, final design and construction administration for the rehabilitation of Memorial Bridge.

The Honorable Mayor and Members of Council
May 21, 2001
Page 2

Transfer \$200,000 from Hunter Viaduct Bridge account number 008-052-9636 to a new account to be established by the Director of Finance entitled "Rehabilitation of Memorial Bridge".

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/JGB/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

#CM01-00086

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Fund Appropriations-Salary
Lapse Report

Background:

The adopted budget for Fiscal Year 2001 includes an estimated \$1,949,325 in salary lapse. Salary lapse is the difference in budgeted City employee salaries and actual salaries, and is created through normal employee attrition and the managed hiring and re-engineering efforts undertaken during the year by city staff. At year-end, salary lapse created in departments is credited against the budgeted total salary lapse figure, and any excess salary lapse generated is spread throughout the various departments to cover annual payroll accrual and operational needs.

Considerations:

For Fiscal Year 2001 the total estimated salary lapse is \$2,512,709. The additional lapse generated has been allocated to various departments to fund payroll accrual and operating needs as shown in Attachment A.

Recommended Action:

City Council authorize the recommended transfer of salary lapse funding between accounts as listed in Attachment A

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:afs

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Barry Key, Director of Management and Budget

CM01-00088

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: WRABA Contract Amendment

Background:

The Williamson Road Area Business Association, Inc. (WRABA) entered into a contract to administer Special Service District (SSD) funds for the area on June 20, 1996. This agreement has been renewed yearly. In the contract, WRABA is limited to using 60% of SSD funds on overhead expenses. When the contract was renewed in 2000, in a response to a request from the association to remove the 60% limitation, the City Manager suggested the organization be polled to determine the overall support for this change by the membership.

Considerations:

Two hundred thirty-seven (237) SSD paying members of the Williamson Road area were mailed a letter on February 6, 2001, requesting their permission to remove the 60% limitation. It was clearly noted in the letter if the ballot were not returned, it would be considered a vote for removal. Each entity was given until March 6, 2001, to return the ballot. As of March 7, 2001, 47 returned the ballots with only 19 voting to keep the restriction. Accordingly, an amendment to the contract has been prepared to eliminate the 60% restriction.

Recommended Action:

Authorize the City Manager to execute an amendment to the present agreement dated June 20, 1996, between the City of Roanoke and the Williamson Road Area Business Association, Inc. (WRABA) to eliminate the restriction on the

The Honorable Mayor and Members of Council
May 21, 2001
Page 2

amount of SSD funds that may be expended on overhead by the WRABA.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:LB

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Sherman A. Holland, Commissioner of Revenue
Elizabeth A. Neu, Director of Economic Development

COUNCIL LETTER # CM01-00080

**AMENDMENT NO. 1
TO
WILLIAMSON ROAD AREA SERVICE DISTRICT
SERVICES AGREEMENT**

THIS AMENDMENT No. 1 to the Williamson Road Area Service District Services Agreement is made this ____ day of May, 2001, by and among the **CITY OF ROANOKE**, a municipal corporation of the Commonwealth of Virginia (the "City") and the **WILLIAMSON ROAD AREA BUSINESS ASSOCIATION, INC.**, a corporation organized and existing under the Commonwealth of Virginia (the "WRABA").

WITNESSETH:

WHEREAS by Agreement dated June 20, 1996, the City and the WRABA entered into the Williamson Road Area Service District Services Agreement, relating to promotion and development of the Williamson Road Area Service District, and to certain services to be performed by the WRABA in connection therewith;

WHEREAS, the parties now desire to amend the June 20, 1996, Agreement, by deleting Paragraph 3.5. Overhead Reimbursement, from such Agreement to eliminate the provisions regarding reimbursement by the City of WRABA for certain overhead expenses, as currently contained in the Agreement.

THEREFORE, in consideration of the above premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, the City and WRABA agree as follows:

1. Paragraph 3.5. Overhead Reimbursement, contained in the June 20, 1996, Agreement shall be deleted from such Agreement and shall have no further effect.
2. Except as changed or modified herein, the conditions, terms and obligations of the June 20, 1996, Agreement shall remain unchanged in all other respects.

WITNESS the following signatures and seals:

ATTEST:

CITY OF ROANOKE

_____	By _____
Mary F. Parker, City Clerk	Darlene L. Burcham, City Manager

**ATTEST: WILLIAMSON ROAD AREA BUSINESS
ASSOCIATION, INC.**

By _____	By _____
Secretary	President

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO EXECUTION:

City Attorney

May 21, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Council Member
The Honorable William White, Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Regional Community Criminal
 Justice Board

Background:

The General Assembly amended state law, Virginia Code Section 53.1-183 (1950), as amended, effective July 1, 2001, to change the required membership of the Regional Community Criminal Justice Board. The statute no longer requires that a person from each governing body or city or county manager or deputy city or county manager be appointed, but only that a person representing the governing body be appointed.

This multijurisdictional board manages local pretrial services or community-based probation programs. The Board in which the City of Roanoke is a member has lost one participating jurisdiction because the City of Clifton Forge is reverting to town status on July 1, 2001. Now, each of the remaining 11 participating localities is appointing a member to represent its governing body, and each participating locality is to reconstitute the Board and, generally, reappoint the current members of the Board. The current Board is changed only in that Judge Weckstein will replace Judge Honts, Chief Lavinder of the Roanoke County Police Department has been added, and Chief Gaskins will replace Chip Snead as the City's representative. The Board will be comprised of up to 25 members. No local funding is required as a condition of Roanoke's participation. The City of Salem serves as the program's fiscal agent.

Recommended Action:

City Council adopt the attached resolution and appoint A.L. Gaskins to the Board and reconstitute the Board with the appointments listed in the resolution.

Respectfully submitted,

Darlene L. Burcham
City Manager

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
George McMillan, Sheriff
A.L. Gaskins, Chief of Police

CM01-0075

May 21, 2001

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Bid for Bridge Repairs

Dear Mayor Smith and Council Members:

By letter dated April 16, 2001, the City Manager concurred in the recommendation of the Bid Committee that you accept a bid from Lanford Brothers Company, Incorporated, for making various repairs to four bridges within the City. Consistent with that recommendation, you adopted a measure which accepted the bid and authorized the City Manager to execute appropriate documents for the work related to the improvements.

Due to an error in drafting, your action was taken in the form of a resolution. The City Charter, however, requires that the action be made by ordinance. Accordingly, I am recommending that the attached ordinance be adopted retroactively to April 16, 2001. The effect of adopting the ordinance will be that Resolution No. 35285-041601 will be repealed, and the City Manager will have legal authority to execute the appropriate documents.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth
City Attorney

WMH/SJT:snh
Attachment

cc: Darlene L. Burcham, City Manager
James D. Grisso, Director of Finance
George C. Snead, Assistant City Manager for Community Development

Philip C. Schirmer, City Engine
May 21, 2001

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Bids for Ballfield Improvements

Dear Mayor Smith and Council Members:

By letter dated April 16, 2001, the City Manager concurred in the recommendation of the Bid Committee that you accept a bid from Breakell, Inc., for certain improvements to City park softball/baseball fields. Consistent with that recommendation, you adopted a measure which accepted the bid and authorized the City Manager to execute appropriate documents for the work related to the improvements.

Due to an error in drafting, your action was taken in the form of a resolution. The City Charter, however, requires that the action be made by ordinance. Accordingly, I am recommending that the attached ordinance be adopted retroactively to April 16, 2001. The effect of adopting the ordinance will be that Resolution No. 35286-041601 will be repealed, and the City Manager will have legal authority to execute the appropriate documents.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth
City Attorney

WMH/SJT:snh
Attachment

cc: Darlene L. Burcham, City Manager
James D. Grisso, Director of Finance
George C. Snead, Assistant City Manager for Community Development
Philip C. Schirmer, City Engineer

May 21, 2001

The Honorable Mayor and Members
of Roanoke City Council
Roanoke, Virginia

Re: Railside Linear Park

Dear Mayor Smith and Members of Council:

As you know, we have been negotiating for several months with the owners of Official Tax Nos. 1010306 and 1010307, at 119 and 117 Norfolk Avenue, respectively, to purchase this property. Portions of the property are needed for the City's Railside Linear Park, and the remainder of the property would be used by the City to promote economic development. After protracted negotiations, the owners of this property have agreed to sell it to the City for \$636,000. They have agreed to close on the property and convey it to the City on June 1, 2001, with \$50,000 of the purchase price to be disbursed at closing. The owners would like to retain possession of the building for 150 days after closing, with the balance of the purchase price to be paid upon vacation of the premises. During the hold over period, the owners essentially would be tenants of the City, and would be required to provide the City with insurance, to continue to pay utilities, and to do all the other things normally expected of a tenant. During this hold over period, the City could undertake the necessary work that needs to be done on the premises for the Railside Linear Park Project, and the building would be available for the City to show economic development prospects.

I have prepared an ordinance which would authorize the City Manager to execute an Agreement for Purchase and Sale of this property upon the terms which I have outlined above. If possible, we will attach the proposed Agreement to this report, but we may have to deliver it to you at or shortly before the Council meeting on May 21, 2001, as we want to have this Agreement executed by the property owners before Council acts upon this matter.

Please let me know if you have any questions about this matter.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth
City Attorney

WMH:f

Attachment

cc: Darlene L. Burcham, City Manager
James D. Grisso, Director of Finance
Philip C. Schimer, City Engineer
Ronald M. Ayers, Esquire

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

	Subject:	Bid Committee Report
		Garden City Storm
Drain Project		Phase 7
		Bid No. 01-03-68

There are two (2) drop inlets on Yellow Mountain Road, near the intersection with Garden City Boulevard, that collect stormwater runoff from Yellow Mountain Road. The inlets release the collected water onto private properties which do not drain naturally; therefore, the stormwater ponds near the homes and businesses located on the properties. In order to redirect the runoff, the existing storm drain system on Yellow Mountain Road needs to be connected to another existing storm drain system. Construction plans have been completed to connect the inlets on Yellow Mountain Road to an existing storm drain system on Melcher Street.

Considerations:

Bids were opened on April 10, 2001. Five bids were received with the lowest bid being submitted by Virginia Infrastructure, Inc., 74 Breckinridge Court, Lexington, Virginia 24450, in the amount of \$80,236.

Funding in the amount of \$89,000 is needed for the project and is available in Public Improvement Bond Series 1996, account number 008-052-9701-9176.

Additional funding in excess of the contract amount will be used for miscellaneous project expenses including advertising, printing, testing services, minor variations in bid quantities and unforeseen project expenses.

Recommended Action:

Authorize the City Manager to enter into a contractual agreement with Virginia Infrastructure, Inc. in the amount of \$80,236 and 120 consecutive calendar days to construct the Garden City Storm Drain Project Phase 7.

Transfer \$89,000 from the Public Improvement Bond Series 1996, account number 008-052-9701-9176, to the Garden City Phase 7 account 008-052-9693.

Reject the other bids received.

Respectfully submitted,

William H. Carder

W. Alvin Hudson

Philip C. Schirmer

I concur in the recommendation of the Bid Committee and recommend it to you for approval.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/CAB/bls

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
D. Darwin Roupe, Director of General Services

CM01-0071

ATTACHMENT 1

TABULATION OF BIDS

**GARDEN CITY STORM DRAIN PROJECT
PHASE 7
BID NO. 01-03-68**

Bids were opened by Robert L. White, Manager, Purchasing Department, on Tuesday, April 10, at 2:00 p.m.

CONTRACTOR

BID AMOUNT	Virginia Infrastructure, Inc.
\$ 80,236.00	Aaron J. Conner, General Contractor, Inc.
\$ 84,927.00	Marshall Construction Company
\$127,894.50	E.C. Pace Company, Inc.
\$ 84,094.00	Jack St. Clair, Inc.
\$112,450.00	

Engineering Estimate: \$93,030.00

Office of the City Engineer
Roanoke, Virginia
May 21, 2001

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Recycling Services
Bid No. 01-03-34 & 01-03-35

Background:

The goal of the Solid Waste Management Division is to begin commingled collection of recyclables from all residents on July 1, 2001. The new program will allow residents to recycle a broader range of products on a weekly basis, alternating between mixed paper products one week and a mixture of metal, plastic and glass containers the following week. Disposal services for paper commodities as well as bottle and can commodities are needed.

Considerations:

Two (2) separate bids were advertised. Three (3) responses were received for paper commodities while two (2) responses were received for bottle and can commodities. The overall best bids were submitted by Cycle Systems, Inc., and are dependant upon accepting both bids, with better pricing offered for meeting a certain threshold. That is, if both commodities total less than 300 tons per month, Cycle Systems would charge \$5.00 per ton for paper commodities while bottles and cans would be disposed at \$0.02 per pound (\$40.00 per ton). If the total for both commodities was greater than 300 tons per month, there would be no charge by Cycle Systems for disposal of either commodity. (Recycling totals averaged 128 tons per month from December 2000 through March 2001). It is anticipated that with proper promotion, education and the expansion of the commingled program to all residences, Roanoke can achieve the 300-ton per month goal.

Funding for disposal costs that might be incurred is available in the Solid Waste Management operating budget.

Recommended Action:

Accept the bids of Cycle Systems, Inc., and authorize the City Manager to execute a contract with Cycle Systems, Inc., approved as to form by the City Attorney (for the acceptance of both the paper commodities bid and the bottle and can commodities bid). Reject all other bids.

Respectfully submitted,

Robert K. Bengtson, P.E.

Frank (Skip) Decker

Robert White

I concur in the recommendation of the Bid Committee and recommend it to you for approval.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:gpe

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Robert K. Bengtson, P.E., Director of Public Works
Frank (Skip) Decker, Solid Waste Management Superintendent
Robert White, Purchasing Manager

CM 01-00087

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Bid Committee Report
2001 Paving Program

Background:

Three bids for the 2001 Street Paving Program were received on May 1, 2001 (see Attachment 1 – Tabulation of Bids) and were referred to the Bid Committee for review and report back to City Council. The low bid in the amount of \$1,880,352.91 was submitted by Adams Construction Company (of Roanoke, Virginia). Alternate No.1 (raising manholes) was bid at \$89,250.00 resulting in a total bid of \$1,969,602.91. A time of one hundred eighty (180) days was specified for this project.

City Council has directed the Administration to give “every consideration” to maintaining a 20-year paving cycle on City streets. The 20-year paving cycle requires that 57 lane-miles be paved each year within the City of Roanoke.

This contract includes paving at the Public Works Service Center Lot and the road leading to the Carvins Cove Boat Landing. The establishment and/or funding of the Lincoln 2000 Project, Greater Gainsboro Infrastructure Improvements and the paving of the Public Works Service Center lot are also included in this action.

Considerations:

Amount of the low bid is acceptable. The \$40.90 price per ton of asphalt is less than last year's price of \$41.25 and the overall contract price is less than the engineer's estimate. The contract allows the City to adjust unit quantities within certain limits. The quantities total 28,369 tons of asphalt, which will enable the resurfacing of the streets listed in Attachment 2 – 2001 Paving Program List of Streets. The funding for the paving program is sufficient to cover all associated program costs which include contract expense, replacement of traffic signal detectors and miscellaneous project expenses (see Attachment 3 – Paving Program Financial Breakdown).

Recommended Actions:

Accept the bid of Adams Construction Company and authorize the City Manager to enter into a contractual agreement with Adams Construction Company in the amount of \$ 1,969,602.91 (which includes alternate 1), in a form approved by the City Attorney.

Appropriate \$420,000 in CMERP funding (\$350,000 for Street Paving and \$70,000 for Public Works Service Center Paving) to Street Paving Account No. 001-530-4120-2010.

Appropriate \$35,000 in CMERP funding to a new Capital Account to be titled Public Works Service Center Improvements.

Increase the revenue estimate by \$197,949 in Street Maintenance Revenue Account No. 001-110-1234-0650 and appropriate in Street Paving Account No. 001-530-4120-2010.

Transfer \$100,000 from Street Paving Account No. 001-530-4120-2010 to a new Capital Account to be titled Lincoln 2000 Project.

Transfer \$100,000 from Street Paving Account No. 001-530-4120-2010 to Greater Gainsboro Infrastructure Improvements Account No. 008-410-9625.

Reject the other bids received.

Respectfully submitted,

William H. Carder

W. Alvin Hudson

Philip C. Schirmer

I concur in the recommendation of the Bid Committee and recommend it to you for approval.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB: KHK

Attachments: 3

C: James D. Grisso, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Robert K. Bengtson, P.E., Director of Public Works

#CM01-00090

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE changing the rate structure and establishing a revised rate schedule for septic tank disposal fees and for certain water rates and related charges for services provided by the City effective August 1, 2001; and directing amendment of the Fee Compendium..

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The septic tank disposal fees and water rates and other related rates and charges for services provided by the City of Roanoke shall be as set forth in Exhibit A attached hereto, and which exhibit is also part of the letter of the City Manager dated May 7, 2001, which letter is incorporated by reference herein, and such rates and charges to be effective for septic tank disposal fees and water and related services (including fire service) and statements rendered on or after August 1, 2001, as set forth in Exhibit A.

2. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by the City Council by resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the foregoing amended fees, rates and charges established by this Ordinance.

3. The fees, rates and charges established by this Ordinance shall remain in effect until amended by this Council.

ATTEST:

City Clerk

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from John G. Moore, Jr., that a tract of land lying at 1901 Memorial Avenue, S.W., identified as Official Tax No. 1330303, be rezoned from C-1, Office District, to CN, Neighborhood Commercial District.

Background:

The property is at the corner of Memorial Avenue and Denniston Avenue. It has a residential structure that was converted to a business/residential use. There is an art gallery and framing business on the first floor and the second floor is used as a residence. The owner was granted a special exception by the Board of Zoning Appeals to operate a personal service establishment. The special exception was limited to three years and will soon expire. Rezoning the property to CN will allow operation of the business as a permitted use.

Properties to the west and south of the property are zoned CN. Properties on the north are zoned RM-1. To the east, the zoning is C-1. The property is located in Grandin Village, which is zoned CN.

Surrounding land uses are neighborhood-oriented commercial and residential. Office and retail are to the east and west. Virginia Heights Elementary School is to the west. A dense retail/service mix is on the south across Memorial Avenue. To the north across Denniston Avenue are single-family, two-family, and multifamily dwellings.

Members of the Greater Raleigh Court Civic League were notified of the rezoning request. Matthew Pritts, the civic league's president, contacted staff and advised that there was no objection to the rezoning as proposed.

No conditions were proffered as part of the rezoning. In the event that the use changes or the property is redeveloped, the CN district regulations require uses and scale appropriate for the neighborhood.

The Planning Commission held a public hearing on April 19, 2001. The petitioner presented the request to the Commission. Chris Chittum presented the staff report and recommended approval of the request. No one spoke for or against the request.

Considerations:

The property is appropriate for a neighborhood-scale business. CN is the most appropriate zoning for the property as it is part of the Grandin Village commercial area. It should support a small neighborhood-oriented business. The rezoning would fill a gap in the adjacent CN district.

The request is consistent with the Comprehensive Plan and the Greater Raleigh Court Neighborhood Plan. The Comprehensive Plan recommends revitalization or creation of neighborhood centers, with activity focused in concentrated centers at major intersections. The plan also recommended the creation of the CN district as the appropriate zoning for neighborhood commercial areas. The neighborhood plan strongly supports the continued viability of Grandin Village. It also recommends that commercial-residential conflicts be minimized. The proposed rezoning is consistent with goals to encourage small-scale neighborhood commercial development.

Recommendation:

Planning Commission, by vote of 6-0 (Messrs. Butler, Campbell, Chrisman, Dowe, Manetta and Rife voting in favor and Mr. Hill absent) recommended that the rezoning petition be approved by City Council.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

CC:mpf

Attachments

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
George C. Snead, Jr., Assistant City Manager
for Community Development
Steven J. Talevi, Assistant City Attorney
John G. Moore, Petitioner

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Oakley L. Covey, represented by Ross C. Hart, Attorney, that property located at 3233 Old Salem Road, S.W., bearing Official Tax Number 5210402, be rezoned from LM, Light Manufacturing District, to RS-2, Residential Single Family, Medium Density District.

Background:

Said property is currently zoned LM, Light Manufacturing. Its current use is single-family residential, with a two-story home built in 1936. It is surrounded by commercial uses to the south and east, and residential uses to the north and west.

Pat Quillen represented the Petitioner on behalf of attorney Ross Hart, who could not attend. No opposition was raised to the Petitioner's request. Staff recommended approval of the petition.

Considerations:

The current use of the property does not conform to its zoning. The area to the north, east and west of the property consists of single family residential properties with one exception; Mud Lick Kennel, which is adjacent to and east of said parcel. To the south of the property are commercial uses with one residential exception.

The commercial uses all front on Brandon Avenue, and primarily use Old Salem Road for shipping access. Old Salem Road is thus frequented by residents and commercial establishments. Moreover, as the adjacent commercial properties lie on Brandon Avenue, Old Salem Road separates them from the neighborhood. Since the Petitioner's request is to maintain the property's

present use, traffic in the area would not be affected.

Staff received comments from a Mr. Charlie Moran, an adjacent property owner at 2704 Weaver Road, who expressed support for the petitioner's request.

The Comprehensive Plan recommends that new and/or expanded commercial developments be a good neighbors when adjacent to residential areas, and that land use conflicts be avoided in general. As the said parcel is currently residential, and is surrounded by residential uses on its side of Old Salem Road, future land use conflicts may be avoided by maintaining its current use.

Recommendation:

The Planning Commission, by a vote of 6-0 (Messrs. Butler, Campbell, Chrisman, Dowe, Manetta and Rife voting in favor; Mr. Hill absent) recommends that City Council rezone Official Tax Number 5210402 from LM, Light Manufacturing, to RS-2, Single Family Residential. Its current use is not in conflict with the adjacent uses, and will in the future maintain the residential character of the neighborhood surrounding it to the north. Rezoning of the said parcel will also minimize potential land use conflicts that may arise in the neighborhood in the event of future commercial development.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

Attachments

cc: Darlene L. Burcham, City Manager
George C. Snead, Jr., Assistant City Manager
for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Ross C. Hart, Attorney for the Petitioner

May 21, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bepitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Request from CHS, Inc., that property located on the north side of Franklin Road, S.W., bearing Official Tax No. 1280602, be rezoned from C-2, General Commercial District, to LM, Light Manufacturing District, such rezoning to be subject to certain conditions proffered by the petitioner.

Background:

On June 11, 2000, the property was rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, 2000, subject to proffered conditions. The existing conditions on the property are:

(1) The property will not be used for any of the following uses, even though such uses may be permitted by the C-2 zoning district regulations: theaters, exhibition halls and similar facilities, outdoor recreational facilities, funeral homes, restaurants, hotels, motels and inns, open air markets, food stores, neighborhood and highway convenience stores, outdoor advertising, gas stations, establishments engaged in the sale or rental of automobiles, trucks, or construction equipments, auto accessory sales, auto cleaning facilities, auto repair establishments, bus terminals, veterinary clinics, kennels, or plant nurseries and greenhouses.

(2) Tractor-trailer trucks will not be permitted to enter the property from Roberts Road, but will be required to enter directly from Franklin Road.

(3) The existing buffering/screening areas along the northern and western boundaries of the property shall be maintained in substantially their present configuration and condition.

A petition to rezone was filed on March 22, 1001. The petitioner proposes to use the property for laundry services and the processing of hospital foods to local and regional hospitals. A second amended petition was filed on April 16, 2001. A third amended petition was filed on May 3, 2001 subject to the following proffered conditions:

(1) The use of the property shall be limited to the following specific uses as set out in Section 36.1 Zoning, of the Code of the City of Roanoke (1979):

(a) General service establishments primarily engaged in the repair or maintenance of goods or items not including automobile, trucks, construction equipment and the provision of business services provided all repair and maintenance activities are wholly enclosed in a building and provided that the gross floor area of all new buildings for this use is not less than five thousand (5,000) square feet. Such general service establishments shall only launder, clothing, sheets, towels, surgical and institutional linens, and other textile products related to the healthcare industry.

(b) Establishments engaged in the wholesale distribution of goods.

(c) Manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing, or other processes related to the creation of new products and including as an accessory use, but not to include, the retail sale of goods manufactured on the premises, are wholly enclosed in a building. Such manufacturing establishments shall only prepare food for consumption off premises.

(d) General storage and warehousing establishments engaged in the storage of miscellaneous merchandise not for sale on the premises.

(e) No outdoor storage shall be permitted on the property.

(f) Tractor-trailer trucks will not be permitted to enter the property from Roberts Road, but will be required to enter directly from Franklin Road.

(g) The existing buffering/screening area along the northern and western boundaries of the property shall be maintained in its substantially present configuration and condition.

(h) Lighting of the property shall be shielded from all adjacent residential districts.

(i) The color of exterior surfaces will be limited to earth tones.

(2) The development of the property shall be in substantial conformity with the

attached development plan prepared by Caldwell White Associates, dated February 23, 2001, which is attached as Exhibit C, subject to any changes required by the City during the plan review process.

The Zoning Administrator has determined that the proposed laundry service/operation would be allowed under general service establishments, a permitted use in LM, Light Manufacturing District, and that food preparation would be allowed under manufacturing establishments, a permitted use category in the LM, Light Manufacturing District.

There is no established neighborhood organization in this area. However, Neighbors in South Roanoke, a neighborhood organization adjacent to the property, was notified of the rezoning request.

Planning Commission public hearing was held on April 19, 2001. David Diaz presented the report on behalf of the Planning staff and noted that staff was recommending approval of the requested rezoning.

Mr. John Christodoulides, representing CHS, Inc., presented the proposed rezoning to the Commission advising that there would be no noise or odor associated with the proposed laundry facility. He said there would be a minimum to no noise or odor associated with the kitchen operations. Mr. Christodoulides summarized the amount of workers and the hours of operation for the facilities (see attached minutes). Mr. Christodoulides said that the total traffic would be less than half of what was at the site today. Mr. Christodoulides said there would be no impact by lighting and that all lights would be down lighting. He said that the site would have security provided by Carilion. He also noted that no further surfaces would be hard topped, thus having no impact on runoff.

Mr. Michael Waldvogel (3526 Penarth Street, S.W.) opposed the rezoning expressing concerns regarding the appropriateness of the proposed industrial use in a commercial and residential area.

Mr. Charles Helms (2951 Roberts Road, S.W.) opposed the rezoning and expressed concerns about the existing noise produced by trucks entering and existing the site during the late hours of the night.

Mr. Eugene Elliott (2720 Rosalind Avenue, S.W.) opposed the rezoning noting issues regarding odor, noise, and traffic impact.

Mr. Mark Hall (3475 West Ridge Road, S.W.) supported the rezoning expressing that the proposed use would be an improvement over the existing use.

Ms. June Shapiro (3301 Kingsbury Circle, S.W.) opposed the rezoning expressing

that there would be an impact on property values and also expressed concern about the number of trips per day generated by the proposed use.

Mr. Christodoulides responded to concerns raised advising that there would be no noise and minimal odor associated with the proposed uses.

Mr. Calvert Saunders, Vice President of Moore=s, stated that the current amount of heavy traffic would be substantially less for the proposed use.

Mr. Matthew Peery appeared before the Commission on behalf of Carilion. He discussed the kitchen operation, including number of employees and times and types of truck trips per day. He said that the delivery trucks would not be coming in and out of the site all night, but would come back to the site at night and park. He said that the kitchen needed six docks. He said that three trucks would be permanently parked at three of the six docks. He said that the other three docks were there so that there would be no bottleneck when deliveries were made.

The Planning Commission voted 4-0-2 (Messrs. Butler, Campbell, Chrisman and Dowe voting for the request, Messrs. Manetta and Rife abstaining, and Mr. Hill absent) to recommend approval of the second amended petition. Since the Planning Commission meeting on April 19, 2001, a third amended petition has been filed to ensure consistency between the proposed uses (i.e., laundry and kitchen services) and the proffered conditions regarding general services establishments and manufacturing establishments.

Considerations:

The existing zoning pattern of the surrounding area is a combination of C-2, General Commercial and LM, Light Manufacturing. Land uses in the area include restaurants, a shopping center, auto sales, an animal clinic, and a recycling business located to the rear of the property. A small number of residential properties are located on Roberts Road adjacent to the proposed development. The proposed changes in proffered conditions will expand the industrial uses in this area.

Existing trees and landscaping provide buffering between the proposed development and the residential area. The proposed rezoning maintains the existing buffering/screening along Roberts Road.

The City Traffic Engineer does not anticipate traffic issues with the proposed rezoning because the existing development on this property generates a similar quantity and mix of traffic as that of the proposed development. Tractor-trailer trucks would be required to enter the property from Franklin Road.

The Development Review Coordinator does not expect any stormwater

management issues with the proposed development.

The *Comprehensive Plan* recommends that:

1. Development of new or existing industrial areas should be carefully planned and designed to promote quality development and good land use.
2. Controls to help ensure that new or expanded industrial developments are good neighbors for residential areas should be carefully evaluated and strengthened where necessary.

Recommendation:

Planning Commission recommended approval of the proposed rezoning by a vote of 4- voted 4-0-2 (Messrs. Butler, Campbell, Dowe, and Chrisman voting for approval, Messrs. Rife and Manetta abstaining and Mr. Hill absent).

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

DD:mpf

Attachments

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William Hackworth, City Attorney
Petitioner

May 7, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Encroachment into Public Right-
of-Way - Proposed Sign at 110
Church Avenue, SW - Tax No.
1012211

Burton Electric Signs, on behalf of First Citizens Bank, has requested permission to install a projection sign on the building at 110 Church Avenue, SW, which would encroach into the public right-of-way. See Attachment #1.

The proposed sign would encroach approximately eighteen (18) inches into the right-of-way of Church Avenue, and have eleven (11) feet of clearance above the sidewalk. See Attachment #2 for sketch of sign. The right-of-way of Church Avenue at this location is approximately fifty (50) feet in width. Liability insurance and indemnification of City by the property owner shall be provided by the property owner as specified in the attached exhibit. See Attachment #3.

Recommended Action(s):

Authorize the City Manager to advertise a public hearing, and

Following a public hearing, authorize the City Manager to execute the appropriate document granting a revocable license to the property owners at 110 Church Avenue, SW, to allow the installation of a sign encroaching approximately eighteen inches into the right-of-way of Church Avenue, SW.

The Honorable Mayor and Members of Council
May 7, 2001
Page 2

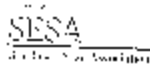
Respectfully submitted,

Darlene L. Burcham
City Manager

Attachments: 3

cc: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
James D. Grisso, Director of Finance
Sarah E. Fitton, Engineering Coordinator
Lisa McMillan, Burton Electric Signs

CM01-0068



P.O. BOX 1206 104 W. FINE STREET • YOUNG AIRY, NORTH CAROLINA 27030 • 336/785-0297 • FAX 336/775-4256 • burton@earthlink.net

APRIL 2, 2001

CITY OF ROANOKE
ENGINEERING DEPT.
ROANOKE, VA

ATTN: SARAH FITTON

RE: FIRST CITIZENS BANK AT 110 CHURCH AVE., ROANOKE, VA

SARAH,

PLEASE CONSIDER THE FOLLOWING PROJECTION SIGN FOR FIRST CITIZENS BANK
AT THE ABOVE LOCATION. AS THE APPLICATION REFLECTS, THE SIGN WILL HAVE
AN 11' CLEARANCE OVER THE SIDEWALK.

SHOULD YOU HAVE ADDITIONAL QUESTIONS IN ORDER TO PROCESS OUR REQUEST,
PLEASE CALL ME AT (800) 476-9333. THANK YOU FOR YOUR TIME AND
CONSIDERATION!

SINCERELY,


LISA MCMILLAN

ATTACHMENT 1

ATTACHMENT 2

EXHIBIT A

INSURANCE REQUIREMENTS
FOR ENCROACHMENTS IN RIGHT-OF-WAY
COMMERCIAL

Owner shall obtain liability insurance coverage with respect to claims arising out of the subject matter of this agreement. The amount of such insurance shall not be less than:

- A. General Aggregate \$300,000
- B. Products - Completed/Operations Aggregate \$1,000,000
- C. Personal and Advertising Injury \$1,000,000
- D. Each Occurrence \$300,000
- E. Above amounts may be met by umbrella form coverage in a minimum amount of \$1,000,000 aggregate; \$1,000,000 each occurrence.

Owner shall name the City, its officers, agents, employees, and volunteers as additional insured as its interests may appear on the above policy. Such coverage shall not be canceled or materially altered except after thirty (30) days prior written notice of such cancellation or material alteration to the City Manager of the City of Roanoke.

Owner shall indemnify and save harmless the City of Roanoke, its officials, officers and employees, from all claims for injuries or damages, including legal fees, to persons or property that may arise by reason of the encroachment over public right-of-way.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE granting a conditional permit to allow for the encroachment of a projection sign extending approximately eighteen (18) inches into the public right-of-way adjacent to the property located at 110 Church Avenue, S.W., and bearing Official Tax No. 10112211, upon certain terms and conditions.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Permission is hereby granted First Citizens Bank ("Permittee") and their grantees, assignees, or successors in interest, of the property bearing Official Tax No. 1012211, otherwise known as 110 Church Avenue, S.W., within the City of Roanoke, to permit an encroachment of a project sign extending approximately eighteen (18) inches into the public right-of-way adjacent to the property located at 110 Church Avenue, S.W., as more fully described in a report to City Council dated May 7, 2001.

2. Said license, granted pursuant to ' 15.2-2011, Code of Virginia (1950), as amended, shall be revocable at the pleasure of the Council of the City of Roanoke and subject to all the limitations contained in the aforesaid ' 15.2-2011.

3. It shall be agreed by the Permittee that, in maintaining such encroachment, the Permittee and their grantees, assignees, or successors in interest shall agree to indemnify and save harmless the City of Roanoke, its officials, officers and employees from all claims for injuries or damages to persons or property that may arise by reason of the above-described encroachment in the public right-of-way.

4. Permittee, their grantors, assigns or successor in interest shall for the duration of this license maintain on file with the City Clerk's Office evidence of insurance coverage in the amounts not less than \$300,000.00. This insurance requirement may be met by either homeowner's insurance or commercial general liability insurance. Certificate of insurance must list the City of Roanoke, its officers, employees, agents and volunteers as additional insureds. Certificate shall state that insurance may not be canceled or materially altered without 30 days written advance notice of such cancellation or alteration being provided to the Director of Utilities and Operations of the City of Roanoke.

5. The City Clerk shall transmit an attested copy of this ordinance to Gary Williams, P. O. Box 27131, Raleigh, North Carolina 27611-7131.

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May 21, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William Carder, Vice-Mayor
The Honorable William Bestpitch, Council Member
The Honorable Nelson Harris, Council Member
The Honorable Alvin Hudson, Council Member
The Honorable William White, Council Member
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Transfer of Real Estate to Facilitate
Economic Development Prospect

Background:

The City of Roanoke has been working through Roanoke Downtown Properties, LLC with a confidential economic development prospect to expand its operations in downtown Roanoke.

Considerations:

The expansion will result in approximately \$26 million in new investment (\$8 million in new building and \$18 million in new equipment.) To assist in the assemblage of property necessary for the expansion, two city owned parcels, #1010402 and 1010403, currently used for parking, need to be conveyed to Roanoke Downtown Properties, LLC.

Recommendation:

Conduct the public hearing, as advertised, and at a later meeting, authorize the City Manager to execute an assignable Option Agreement to convey these two parcels to the Roanoke Downtown Properties, LLC for consideration in the amount of \$100.00 and other good and valuable consideration.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:ean

Attachments

c: James D. Grisso, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk

CM01-00093

THIS OPTION AGREEMENT, made and entered into this ____ day of _____, 2001, by and between the **CITY OF ROANOKE, VIRGINIA**, Grantor, hereinafter referred to as **Owner**, and **ROANOKE DOWNTOWN PROPERTIES, LLC**, Grantee, hereinafter referred to as **Optionee**.

WITNESSETH:

WHEREAS, the Owner is the owner in fee simple absolute of the following real property, together with all improvements thereon and all rights and appurtenances thereunto pertaining, all of which is hereinafter referred to as the **Property**:

City of Roanoke Tax Parcels Nos. 1010402 and 1010403, located at 143 Salem Avenue, S. W.

WHEREAS, the Optionee desires to enter into an option agreement for the purchase of the Property.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree and covenant as follows:

1. In consideration of the sum of One Hundred Dollars (\$100.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged by the Owner, the Owner grants to the Optionee the sole and exclusive option to purchase the Property for the purchase price of One Hundred Dollars (\$100.00).

2. The exercise of this option to purchase the Property shall be made by Optionee delivering written notice of the option to the Owner not later than 5:00 p.m., on the 28th day of September, 2001, at such place as Owner may designate herein for the delivery of notices. The written notice shall be deemed to have been delivered to Owner upon delivery of the written notice to Owner's last known address by either certified mail, return receipt requested, or by an overnight mail service. If Buyer does not exercise this Option Agreement by the aforesaid date, this Option Agreement shall be considered null, void and of no effect, unless the parties otherwise agree in writing.

3. In the event the Optionee exercises this option, the following provisions shall govern the settlement:

- a. At closing Owner shall deliver to Optionee a deed of Special Warranty conveying a good, marketable and insurable fee simple title to Optionee, free of all liens, encumbrances, and defects, and subject to such restrictions, covenants and easements as shall now be of record which do not affect the use of the property for Optionee's intended purposes, or render the title unmarketable. If a defect is found which is of such character that it can be remedied by legal action within a reasonable time, Owner shall, at Owner's expense, promptly take such action as is necessary to cure the defect. If such defect cannot be cured within a reasonable time, Optionee shall have the option of terminating any agreement to purchase the Property.

- b. At settlement, the Owner shall give and the Optionee shall take possession of the Property, free of all tenants and tenancies.
- c. The risk of loss by fire or other casualty is assumed by Owner until settlement.
- d. Optionee accepts the property in its present condition, AAS IS.@
- e. Owner hereby makes the following warranties and representations which shall be effective as of the date of settlement:
 - (1) There are no existing boundary, water, or drainage disputes of which the Owner has any knowledge, except as noted herein.
 - (2) There are no actions or proceedings threatened against Owner to condemn all or any part of the Property.
 - (3) Owner has paid for all work, labor and materials furnished to the Property prior to the recording of the deed, and there will be no mechanic-s liens and/or the right of any person to file a mechanic-s lien against the Property for any reason whatsoever.
- f. Settlement shall take place within thirty (30) days of the exercise of this option by Optionee, in the Office of the Optionee-s attorney.
- g. Owner shall pay the expense of preparing the deed and the recordation tax applicable to grantors, if applicable. Except as otherwise agreed herein, all other expenses incurred by Optionee in connection with the settlement, including, but not limited to, title examination, insurance premiums, survey costs, engineering and other study costs, recording costs, loan document preparation fees, and the fee of Optionee-s attorney shall be borne by the Optionee. All taxes and assessments shall be prorated between the parties as of the date of settlement.
- h. Owner agrees to exercise ordinary and reasonable care in the maintenance and upkeep of the Property, ordinary wear and tear excepted, from the date of this Option Agreement to the date of settlement.
- i. The parties hereto represent to each other that no real estate agent or broker was involved in this transaction and each agrees to hold the other harmless from any claim for a commission by reason of any action on their part.

- j. The provisions contained in this Option Agreement shall not merge with the deed conveying the Property, but shall survive the execution and delivery of the deed.

4. Notices and other correspondence regarding this Option Agreement shall be delivered to the following addresses, or to such other or additional addressees as the parties may designate in writing:

Owner: City of Roanoke
c/o Darlene L. Burcham, City Manager
Room 364 Municipal Building
215 Church Avenue, S. W.
Roanoke, Virginia 24011

Optionee: Roanoke Downtown Properties, LLC
c/o Michael M. Waldvogel
800 Professional Arts Building
30 Franklin Road, S. W.
Roanoke, Virginia 24011

5. This Option Agreement shall be binding upon and enure to the benefit of the respective heirs, executors, personal representatives, successors in interest, and assigns of the parties.

6. This Option Agreement represents the entire understanding between the parties, and there are no collateral or oral agreements or understandings, and this Agreement shall not be modified unless in writing of equal formality signed by both parties.

7. This Option Agreement shall be construed according to the laws of the Commonwealth of Virginia.

ATTEST:

CITY OF ROANOKE

Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

ROANOKE DOWNTOWN PROPERTIES, LLC

By _____
Title: _____

STATE OF VIRGINIA ' :
To-Wit:
CITY OF ROANOKE ' :

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by Darlene L. Burcham, City Manager, of the City of Roanoke, Virginia, a municipal corporation, on behalf of that corporation.

My Commission expires: _____.

Notary Public

STATE OF VIRGINIA ' :
To-Wit:
CITY OF ROANOKE ' :

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____, _____, of Roanoke Downtown Properties, LLC, a limited liability corporation, on behalf of that corporation.

My Commission expires: _____.

Notary Public

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Designation of Building Maintenance Code Official

Background:

Authority to administer the Virginia Uniform Statewide Building Code (USBC), including the Building Maintenance Code (BMC), is assigned by the USBC to a "code official". Section 7-3 of the City Code designates the City's building commissioner as the City's building code official. However, the USBC allows a separate official to be designated as the code official responsible for enforcement of the BMC.

Prior to April, 2000, the BMC and the rest of the USBC was administered by the Building Department, headed by the building commissioner. Enforcement responsibility for the BMC has been moved from the Building Department to the newly-formed Department of Housing and Neighborhood Services.

Considerations:

In order to align the legal authority to administer the BMC with the City's current organizational structure, changes in the City Code are needed to authorize the designation of a code official responsible for enforcement of the BMC and to assign specific responsibilities currently held by the building commissioner to that official. The manager of the office administering the BMC has the certification required by the state.

Included in these amendments are two changes to the zoning ordinance regarding historic districts. The Planning Commission held a public hearing regarding these proposed amendments on April 19 and approved them as submitted. The Planning Commission report is being submitted to Council separately.

Recommended Action:

Amend Chapters 7 and 36.1 of the Code of the City of Roanoke (1979), as amended, to authorize appointment of a Building Maintenance Code official and assigning specific responsibilities and authority to the Building Maintenance Code official and the Building Code official.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:hdp

Attachment

C: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Rolanda Johnson, Assistant City Manager

CM01-00089

May 21, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Proposed amendment of Division 5: Special District Regulations, of Article III. District Regulations, by the addition of a subdivision entitled, Subdivision H. INPUD; Institutional Planned Unit Development District; and amending and reordaining Section 36.1- 562. Group Care Facilities in RS-1, RS-3, RS-3 and RM-1 districts, of Article IV. Supplementary Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for mixed use institutional development in certain neighborhoods.

Background:

Roanoke's zoning ordinance currently provides for two Planned Unit Development (PUDs) Districts: RPUD, Residential Planned Unit Development District, and IPUD, Industrial Planned Unit Development District (IPUD). The RPUD district provides for mixed residential and commercial uses. The IPUD district provides for mixed industrial and commercial uses.

The INPUD, Institutional Planned Unit Development District, is being proposed to address the gap between these districts by providing for institutional uses, mixed commercial uses, residential, and industrial uses in accordance with an adopted institutional development plan. Examples of how this district may be used include the expansion or development of schools, biomedical research facilities, hospitals, and other institutional uses.

In addition to the amendment establishing INPUD District, an additional amendment to the Group Care Facility section of the Zoning ordinance is proposed in order to include standards for group care facilities in an INPUD district.

No specific properties are proposed for zoning changes are part of this request. However, there are entities interested in pursuing this zoning district in the future.

On November 16, 2000, the Planning Commission recommended to City Council amendments to the Zoning ordinance to create a new zoning district, INPUD, Institutional Planned Unit Development District. At the Planning Commission public hearing on November 16, 2000, Mr. David Diaz, City Planner, presented the staff report and recommended that the Planning Commission approve the amendments to the zoning ordinance. He advised that the new district will assist the city, citizens, and new institutions in developing quality, well-planned facilities that are compatible with adjacent land uses. *Mr. Don Buffington, representing Brian Wisheff and Associates*, appeared as a consultant to Carilion Biomedical Institute advising that the district may be useful. He advised that he had questions with respect to height restrictions, underground utilities, and child care facilities, especially how district requirements may affect the proposed biomedical development. Staff indicated that they would be happy to work further with the institute as design standards were developed for the redevelopment area. *Mrs. Kathy Hill, 509 Arbor Avenue, S. E.*, addressed the Commission and read a prepared statement from *Mrs. Christine Proffitt of the Historic Belmont Preservation Association*, expressing concern for use of the new district by the Rescue Mission to expand beyond their present boundaries. Mrs. Hill advised that building height and bulk issues were important to neighborhoods and she was concerned about building group care facilities and tearing down existing houses for institutions. *Mr. Bob Caudle, 4231 Belford Street, S. W.*, asked if any areas were proposed for rezoning or if a property owner would have to make a request. Planning staff advised that no zoning changes were being proposed by this amendment; if the Rescue Mission chose to change the zoning to expand their facilities, a rezoning petition could be filed by them. There was further discussion among staff and the Commission regarding the purpose of the district. It was noted that Norfolk had a similar district for institutions which assisted the city in successfully managing these types of uses. Several Commission members advised that additional performance standards for lighting, noise, odor, and dust should be studied and included at a later date. Mrs. Duerk advised that design standards for development also should be included. Staff noted that design could only be regulated in an historic district or by special enabling legislation granted by the General Assembly.

On December 18, 2000, City Council referred the matter back to the Planning Commission for further study due to questions regarding development plan requirements and provisions group care facilities. After considerable discussion by the Planning Commission and staff, the following changes are proposed:

1. Residential uses are allowed as a permitted use.
2. Group group care facilities are included as a permitted use in the INPUD district. Standards for these facilities are set forth in Section 36.1-560 et seq of the Zoning Ordinance. (Note that there is no 1,500 foot distance requirement between facilities because the location of proposed facilities must be approved at the time the INPUD is reviewed, or later by the Planning Commission.)

3. Underground utilities are not a requirement.

4. Application requirements have been revised to provide that if a building location or use is not known at the time of application that the future development of the location must be approved by the Planning Commission.

Planning Commission public hearing was held on April 19, 2001. Mr. David Diaz explained the ordinance amendment and the history of the proposal. Members of the Planning Commission asked if conditions could be placed on a property which may apply for this type of zoning. Mr. Diaz replied that conditions could be proffered. Mrs. Christine Proffitt (424 Bullitt Avenue, S.E.) appeared before the Commission in opposition to the elimination of the 1,500 foot distance required for group care facilities in the zoning ordinance amendment. She advised that she was concerned that the approval of this provision would allow the Rescue Mission to expand, which would negatively affect the Belmont neighborhood. Mrs. Evelyn Lander explained that the proposed request only established the district as being available; consideration of any specific properties would require an application for rezoning and public hearings by both the Planning Commission and City Council. She explained that the reason the 1500 foot distance requirement had been eliminated was because any project would require detailed review by the Planning Commission and City Council with respect to its land use and development pattern; with such review, a distance separation would not be needed as each project would be considered on its own merits.

Considerations:

The development standards for the INPUD District would provide a petitioner with greater flexibility with respect to uses, yards, height, and minimum area requirements. For example, there are no minimum yard and height requirements proposed for the INPUD District, except when it is located adjacent to a residential district or a residential use. Where an INPUD District is adjacent to a residential district or use, the yard requirement is a minimum of 50 feet, and no structure may be over forty five (45) feet in height. In addition, the minimum area requirements for an INPUD District are 2 acres; whereas, the minimum acres for an IPUD District are 20 acres or 10 acres, if located in an urban enterprise zone.

In return for relaxing such requirements, the petitioner must dedicate a minimum of ten (10) percent of the gross area to open space, a minimum of twenty (20) percent of gross area to open space when residential uses exist or are proposed, and submit an institutional development plan with the rezoning. The institutional development plan requires the following information:

- boundaries of development
- existing and proposed location and use of buildings
- parking
- proposed changes in streets, alleys, or easements

- proposed pedestrian routes
- open space
- infrastructure
- compatibility with character and appearance of surrounding neighborhood in terms of height, bulk, and location on lot

The *Comprehensive Plan* recommends that:

1. Development of new or existing commercial and institutional areas should be carefully planned and designed to promote quality development and good land use.
2. Controls to help ensure that new or expanded commercial and institutional development are good neighbors should be carefully evaluated and strengthened where necessary.

Recommendation:

Planning Commission voted 6-0 (Messrs. Butler, Campbell, Chrisman, Dowe, Manetta and Rife voting in favor; Mr. Hill absent) to recommend approval of the proposed INPUD District regulations as presented in Attachment A.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

attachment

c: Darlene Burcham, City Manager
George C. Snead, Jr., Assistant City Manager
for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 21, 2001
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call. Mr. Hudson was absent.

The Invocation was delivered by The Reverend Frank W. Feather, Pastor, Forest Park Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 24, 2001, at 7:00 p.m., and Saturday, May 26, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

PRESENTATIONS:

Introduction of special guests.

The Mayor welcomed a delegation of Ukrainian professionals who are visiting the United States and focusing on environmental issues, with an interest in learning more about how industry and government work together to improve the environment and to gain information about the toxic release inventory system being implemented in the United States.

Proclamation declaring Saturday, May 26, 2001 as Lifeguard 10 Day.
File #3-221

2. CONSENT AGENDA

(Approved 6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #110-132

- C-2 A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of two Council-Appointed officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #110-132

- C-3 A communication from the City Manager requesting a Closed Meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #2-104

- C-4 A communication from the City Manager recommending that a public hearing be advertised in connection with transferring real property in the Roanoke Centre for Industry and Technology to Blue Hills Golf Corporation and Anderson Wade Douthat, respectively.

RECOMMENDED ACTION: Concur in recommendation.

File #104-166

- C-5 A communication from Lu Jean Bedard tendering her resignation as a member of the Roanoke Arts Commission, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation.

File #110-230

- C-6 Qualification of the following persons:

Rolanda A. Johnson as Assistant City Manager, effective
May 1, 2001;

File #15-104-115

Brenda A. Powell as a member of the Fair Housing Board
for a term ending March 31, 2004; and
File #15-110-178

Alfred T. Dowe and Richard A. Rife as members of the
City Planning Commission for terms ending December 31,
2004.
File #15-110-200

RECOMMENDED ACTION: Receive and file.

- C-7 A communication from the Honorable Ralph K. Smith, Mayor,
requesting a Closed Meeting on a personnel matter to discuss
employment of a person by the City for a specific public purpose,
pursuant to Section 2.1-344(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed
Meeting.

File #132

REGULAR AGENDA

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

- a. Request to discuss the film industry, its economic impact on the
community, and establishment and financing of the Virginia Highlands
Film Office. Camille Lownds, Director, Virginia Highlands Film Office,
Spokesperson.
Received and filed.
File #207-450

4. PETITIONS AND COMMUNICATIONS:

- a. A communication from the Roanoke City School Board requesting the
close out of 46 school grants which have been completed; and a report
of the Director of Finance recommending that Council concur in the
request.
Concurred in the recommendation.
File #1-236-467

A communication from the Roanoke City School Board requesting appropriation of funds to certain school accounts; and a report of the Director of Finance recommending that Council concur in the request.

**Adopted Ordinance No. 35346-052101 (5-0, Council Member Bestpitch was out of the Council Chamber when the vote was recorded.)
File #1-467**

- b. A communication from Charles P. Shimer, representing the Industrial Development Authority of Montgomery County, requesting concurrence in a resolution adopted by the Authority and approval of a loan for the benefit of Virginia Tech Foundation, Inc., to assist in financing a portion of the cost of acquiring a two-acre parcel of land and construction of an 11,000 square foot building located at 121 Duke of Gloucester Street in the City of Roanoke to be owned by the Foundation and used by its WVTF Radio Station, with other portions of the proceeds to be used to finance facilities in Blacksburg and Alexandria.

**Adopted Resolution No. 35347-052101 (6-0)
File #2-32-207-258-329**

5. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. A communication recommending execution of Amendment No. 5 to the engineering services contract with Black and Veatch, in connection with the Roanoke River Interceptor Sewer Project, in the amount of \$75,000.00; and transferring funds in connection therewith.

**Adopted Ordinance No. 35348-052101 and Resolution No. 35349-052101 (6-0)
File #27**

2. A communication recommending issuance of Change Order No. 1 to the contract with H. & S. Construction Co., for completion of curb, gutter and sidewalk on the south side of Cove Road, N. W., between Abbott Street and Hershberger Road, in the amount of \$75,000.00 and 90 additional days of contract time; and appropriating funds in connection therewith.
Adopted Ordinance No. 35350-052101 and Ordinance No. 35351-052101 (6-0)
File #57
3. A communication recommending authorization to enter into a contract with Hayes, Seay, Mattern and Mattern, Inc., for engineering services in connection with preliminary design/investigation, final design, and contract administration for rehabilitation of Memorial Bridge, in the amount of \$179,850.00; and transferring funds in connection therewith.
Adopted Ordinance No. 35352-052101 and Resolution No. 35353-052101. (6-0)
File #102
4. A communication recommending appropriations in connection with personnel salary lapse funds.
Adopted Ordinance No. 35354-052101 (6-0)
File #385
5. A communication recommending execution of an amendment to the agreement with the Williamson Road Area Business Association, Inc., to eliminate the restriction on the amount of Special Service District funds that may be used for overhead expenses by the Association.
Adopted Ordinance No. 35355-052101 (6-0)
File #342-380
6. A communication with regard to membership of the Regional Community Criminal Justice Board.
Adopted Resolution No. 35356 (6-0)
File #242

b. CITY ATTORNEY:

1. A report transmitting an ordinance repealing and replacing Resolution No. 35285-041601; and accepting the bid of Lanford Brothers Co., Inc., for various repairs to four bridges within the City, upon certain terms and conditions.

Adopted Ordinance No. 35357-052101 (6-0)
File #102

2. A report transmitting an ordinance repealing and replacing Resolution No. 35286-041601; and accepting the bid of Breakell, Inc., for ballfield improvements at two parks within the City, upon certain terms and conditions.

Adopted Ordinance No. 35358-052101 (6-0)
File #67

3. A report with regard to the Railside Linear Park
Adopted Ordinance No. 35359-052101 and Ordinance No. 35360-052101 (5-0, Mayor Smith abstained from voting.)
File #392

6. REPORTS OF COMMITTEES:

- a. A report of the Bid Committee recommending award of a contract to Virginia Infrastructure, Inc., to connect inlets on Yellow Mountain Road to an existing storm drain system on Melcher Street, in connection with the Garden City Storm Drain Project - Phase 7, in the amount of \$80,236.00 and 120 consecutive calendar days; transferring funds in connection therewith; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.

Adopted Ordinance Nos. 35361-052101 and 35362-052101 (6-0)
File #57-110

- b. A report of the Bid Committee recommending award of a contract to Cycle Systems, Inc., for provision of recycling services for paper, bottle and can commodities; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.

Withdrawn.

- c. A report of the Bid Committee recommending award of a contract to Adams Construction Company for paving and profiling of various streets in the City, in the amount of \$1,969,602.91; appropriating and transferring funds in connection therewith; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.
Adopted Ordinance Nos. 35363-052101 and 35364-052101 (6-0)
File #110-514

7. UNFINISHED BUSINESS: NONE.

8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Ordinance No. 35320, on second reading, changing the rate structure and establishing a revised rate schedule for septic tank disposal fees and for certain water rates and related charges for services provided by the City, effective August 1, 2001; and directing amendment of the Fee Compendium.
Adopted Ordinance No. 35320-052101 (5-1, Ms. Wyatt voted no.)
File #27-289

9. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Vice-Mayor Carder commended the Roanoke City School Board and School officials on a recently conducted tour of City schools for real estate agents.

Council Member Bestpitch advised that he has a conflict of interest with regard to Resolution No. 35319-050701, which was adopted by Council on Monday, May 7, 2001, that authorizes the City Manager to submit an approved annual update to the HUD Consolidated Plan for Fiscal Year 2001-2002, which Plan includes funding for the YMCA. Inasmuch as his spouse is employed by the YMCA, he requested that he be permitted to change his affirmative vote to an abstention. Council unanimously concurred in the request.

Council Member Wyatt acknowledged the contributions of the Sheriff's Office and City Jail inmates in connection with construction of the new joint training facility for Fire and EMS personnel.

Council Member White requested that the matter of acknowledging the contributions of Deborah Moses, Executive Director, Hotel Roanoke Conference Center, and others in connection with resolving construction problems at the Hotel Roanoke Conference Center be referred to the City Manager, City Attorney and City Clerk for preparation of the proper measure for adoption by Council at its regular meeting on Monday, June 4, 2001.

Council reaffirmed its opposition to the proposed routing of I-73 through the southeast quadrant of the City, and instructed the City Manager to communicate Council's position to the appropriate Virginia Department of Transportation officials and to the City's representatives to the General Assembly. (Mayor Smith voted no.)

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

AT 3:15 P.M. THE MEETING OF ROANOKE CITY COUNCIL WAS DECLARED IN RECESS AND IMMEDIATELY RECONVENED IN THE CITY COUNCIL'S CONFERENCE ROOM FOR THE PURPOSE OF CONDUCTING A STAFF BRIEFING WITH REGARD TO REGIONAL REFUSE COLLECTION.

A staff briefing on regional refuse collection was received and filed.

Two Closed Sessions were held immediately following the briefing in the Council's Conference Room.

CERTIFICATION OF CLOSED SESSION. (6-0)

THE MEETING OF ROANOKE CITY COUNCIL WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 21, 2001
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call. Mr. Hudson was absent.

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 24, 2001, at 7:00 p.m., and Saturday, May 26, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Public hearing on a request of John G. Moore, Jr., that a tract of land lying at 1901 Memorial Avenue, S. W., being a portion of Lot 15, Block 5, Section 1, Virginia Heights, identified as Official Tax No. 1330303, be rezoned from C-1, Office District, to CN, Neighborhood Commercial District. John G. Moore, Jr., Spokesperson.

Adopted Ordinance No. 35365-052101 (6-0)

File #51

Council authorized the City Manager to negotiate the acquisition of property across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility (stadium and amphitheater), at a project cost not to exceed \$18 million, with a report back to Council on negotiations.

2. Public hearing on a request of Oakley L. Covey that property located at the northwest corner of the intersection of Old Salem Road and Overland Avenue, S. W., located at 3233 Old Salem Road, identified as Official Tax No. 5210402, be rezoned from LM, Light Manufacturing District, to RS-2, Single-Family Residential District. Ross C. Hart, Attorney.

Adopted Ordinance No. 35366-052101 (6-0)

File #51

3. Public hearing on a request of CHS, Inc., and Calvert L. Saunders, Vice President, Administration, Moore's Lumber and Building Supplies, Inc., that a tract of land located on the north side of Franklin Road, S. W., at its intersection with Roberts Road, containing 7.2716 acres, more or less, identified as Official Tax No. 1280602, be rezoned from C-2, General Commercial District, to LM, Light Manufacturing District, subject to certain proffered conditions. Michael G. Ballantyne, Officer, CHS, Inc., Spokesperson.

Adopted Ordinance No. 35367-052101 (5-0, Council Member White abstained from voting.)

File #51

4. Public hearing to receive citizen input on a proposed conveyance of City-owned property identified as Official Tax Nos. 1010402 and 1010403, located at 143 Salem Avenue, S. W., to Roanoke Downtown Properties, LLC, or its assigns. Darlene L. Burcham, City Manager.

No action was taken.

5. Public hearing on a proposed amendment to Section 7-1, Penalty for violations of chapter, Section 7-3, Building commissioner appointed enforcing official, and Subsections (a) and (b) of Section 7-45, Appeals, of Chapter 7, Building Regulations; and amending subsection (d) of Section 36.1-327, Historic district regulations; certificate of appropriateness, and subsection (f) of Section 36.1-345, District regulations; certificate of appropriateness, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for code officials responsible for inspections under, and enforcement and administration of, the property maintenance code and all other codes within the building code, and the delegation of authority of those officials. Darlene L. Burcham, City Manager, and D. Kent Chrisman, Chair, City Planning Commission.

Adopted Ordinance No. 35368-052101 (6-0)

File #24

6. Public hearing on a proposed amendment of Division 5, Special District Regulations, of Article III, District Regulations, by the addition of a new subdivision entitled Subdivision H, INPUD, Institutional Planned United Development District; and amending Section 36.1-562, Standards, of Division 12, Group Care Facilities, of Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for a new institutional planned unit development district. D. Kent Chrisman, Chair, City Planning Commission.

Adopted Ordinance No. 35369-052101 (6-0)

File #24-51

7. Public hearing to receive citizen input on the proposed lease of City-owned property located at 515 and 530 Eighth Street, S. W., identified as Official Tax Nos. 1113111 and 1113210, to the Commonwealth of Virginia Department of Health, for a period of three years. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 35370-052101 (6-0)

File #22-166-373

8. Public hearing to receive citizen input on a proposed encroachment of an overhead projection sign extending at least 11 feet above the sidewalk and approximately 18 inches into the public right-of-way adjacent to property located at 110 Church Avenue, S. W., identified as Official Tax No. 1012211. Darlene L. Burcham, City Manager

Adopted Ordinance No. 35371-052101 (5-0, Mayor Smith abstained from voting.)

File #107

B. OTHER HEARING OF CITIZENS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, inquired as to the fate of Victory Stadium in view of Council's previous motion to negotiate for acquisition of property across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility. He requested that Victory Stadium, at its current location, continue to be used by the City.

Mr. Robert Gravely, 1412 Moorman Road, N. W., addressed Council with regard to increased wages for the City work force.

COUNCIL RECONVENED IN CLOSED SESSION TO DISCUSS TWO PERSONNEL MATTERS.

CERTIFICATION OF CLOSED SESSION. (6-0)